IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

WEDNESDAY, THE 5TH DECEMBER 2007 / 14TH AGRAHAYANA 1929

WP(C).No. 32305 of 2007(U)

PETITIONER:

ALBIN RAJ.A.M., DEEPA NIVAS,
NALOOR VATTAM, KULATHUR, PLAMOOTTUKADA P.O.,
NEYYATTINKARA, THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.PIRAPPANCODE V.SREEDHARAN NAIR
SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY ITS
CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE KERALA PUBLIC SERVICE COMMISSION,
PATTOM, THIRUVANANTHAPURAM REPRESENTED BY ITS
SECRETARY.

3. THE DISTRICT OFFICER, KERALA PUBLIC
SERVICE COMMISSION, DISTRICT OFFICE,
MALAPPURAM.

BY GOVERNMENT PLEADER SRI.P. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J

W.P.(C).32305/2007

Dated this the 5th day of December, 2007

JUDGMENT

Petitioner applied for recruitment to the post of Junior Health Inspector-Grade-II in Malappuram District pursuant to the notification issued by the PSC on 31.12.2005. In the application form, petitioner entered the religion and caste as S.I.U.C. Christian-Nadar. According to the petitioner, this happened on account of an error in the SSLC Book indicating religion and caste similarly. He is really a Latin Catholic Christian. His correct community was thereafter, gazetted in Ext.P3. Petitioner produced Ext.P3 before the Village Officer who issued Ext.P6 certificate. Ext.P3 was then sent to the PSC as per Ext.P4 and later at the time of interview, petitioner had produced Ext.P6 also. He is included in Ext.P7 rank list, but his name was not shown against any reserved category. Hence this writ petition for a direction to the PSC to consider the petitioner as belonging to Latin Catholic and include

him in the rank list as belonging to Latin Catholic, reserved category.

2. It is admitted that in the application submitted by the petitioner he had shown his religion and caste as S.I.U.C. Christian - Nadar. It is more than an year after responding to the application that petitioner sought for a gazette notification declaring himself to be Latin Christian. Obviously petitioner cannot make a claim at variance from what has been indicated in the application and then produce a certificate, which will support his claim. I am also constrained to note that it is not possible to discern any statutory sanction so far as Ext.P3 is concerned. At any rate, even assuming that Ext.P3 will be sufficient to hold that the petitioner actually belongs to the Latin Catholic community, PSC cannot be faulted with for not accepting such claim which admittedly is inconsistent with the claim made by the petitioner in his application.

3. In the result, I do not find any error in the stand taken by the PSC. Writ petition is bereft of merit and the same is dismissed.

V.GIRI,
Judge

mrcs